

extraordinary jurisdiction—original and in error—undoubtedly fell to the Council.

This brief summary of the situation of Wales before 27 H. VIII should indicate that where parliamentary power was exercised it was by virtue of an extraordinary power or prerogative in the Crown, because of the exceptional position of the dominion. One is therefore tempted to challenge Coke's theory in Calvin's case that by virtue of the introduction of the common law into a dominion the control of changes in the law passed from the crown to Parliament. Certainly a considerable number of "common law" institutions and practices were introduced by the Statute of Rhuddlan, but evidently not enough to make operative the full control Coke seems to have in mind (*Vaughan*, 400, says Parliament might legislate but it was not necessary that it should). The very doctrine of "specially naming" dominions points against this. In 12 Rep. 48, the theory of Calvin's Case finds further expression in the view of the judges that the reservation of legislative power to Henry VIII. (34 and 35 H. VIII. c. 26, § 119, 120) did not include his successors. Coke's doctrine is so obviously a result of the developed political character of Parliament that we must be careful not to be misled by claiming for it any great historical validity. On the other hand, a view of Parliament's early activity, either in legislation or justification, in respect to the dominions, along the lines of Schuyler's interpretation, *i.e.*, that it was essentially conciliar, does no violence to the facts certainly as we have them in respect to Wales. The recent research of Richardson and Sayles in respect to Ireland (*The Irish Parliaments of Edward I.*, *Proc. Royal Irish Academy*) vol. 38, sec. c., no. 6 p. 128 ff.) offers strong confirmatory evidence.

It should be added that Professor Schuyler's book is not devoted entirely to the medieval aspects of his problem. A very interesting chapter dealing with Irish Patriotism and British Imperialism contains an acute analysis of the 17th and 18th century pamphlet literature that will be indispensable for the future use of these pamphlets. Two chapters treat of the relations with Barbadoes in the 17th century, and the controversies over slavery in the West Indian colonies, and the final chapter is a summary of the present position of parliament in relation to the empire.

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FROM THE PHYSICAL TO THE SOCIAL SCIENCES. By JACQUES RUEFF; translated by HERMAN GREEN and with an Introduction by HERMAN OLIPHANT and ABRAM HEWITT. Baltimore: THE JOHNS HOPKINS PRESS, 1929. Pp. xxxii, 159.

Here is a book of such first rate quality that it deserves a wider reading than it is likely to receive. It is of first importance because it represents a splendid attack upon the problem of the method of social science. If the views presented in the book are sound, they throw some light upon the probable direction of the method of the various disciplines constituting this branch of science. While the author does not purport to present his philosophical views in a systematic manner, they are, of course, implicit in his treatment of the subject.

The thesis presented is, in short, that science consists of the reduction of our mental operations to an interpretation of the world in which we live in terms of propositions which are not inconsistent with the law of identity which law the author believes, for some reason not quite clear, to be the condition of all thought. This process assumes the form of a "creation of causes" which, as is shown, is simply a way of making "appearances" satisfy the law of identity.

The proposition that the mind must think in terms that satisfy the law of identity this reviewer sees no compelling reason to believe true. Children, as every one knows, continually violate that law and the fact that they will eventually test every proposition by it is a tribute only to the persistence with which we condition young minds to this way of thinking. The fact, however, that the mature mind does proceed to knowledge and that our body of scientific materials does depend upon this operation seems indisputable and is supported by the author by many illuminating examples.

The frame work of his analysis of scientific thought consists in a not quite satisfactorily developed distinction between empirical and rational science. The empirical branch is represented as that part which collects "appearances" and develops therefrom "empirical laws," by which we are to understand the author as meaning the succession of phenomena or sequence of appearances. These appearances are to the mind quite meaningless until formulated in formal or implied propositions (axioms or definitions) and organized in such a way as to make the phenomena in question consistent with the so-called law of identity which, of course, is a law of the mind and not "of things."

Having discovered, or, more accurately, having created these empirical laws, the mind proceeds to develop a body of theories and propositions from which conclusions may be deduced which correspond to the observed phenomena. This the author calls a "creation of causes" and a "rediscovery" of laws identical with "empirical laws." The validity of these propositions is to be tested by their continued serviceability as premises for conclusions not yet but subsequently to be verified by their correspondence with phenomena empirically ascertained. This process of "creating causes" is distinguished as the "rational" branch of science. It thus appears that our notion of "cause" is merely a device of the mind fashioned to adapt us to the world, *i.e.*, to make it intelligible.

That the rough division of scientific method into empirical and rational branches is useful there are many reasons to believe. Our knowledge is, of course, built upon no foundation but our sensations, *i.e.*, appearances. We know how futile it is to hope to come to knowledge of the world by mathematical or hypothetical method. We have no assurance whatever that the syllogistic process can do more than suggest probabilities, the accuracy of which must always be tested by further observation of appearances.

But observation of physical phenomena demands a starting point to make it comprehensible. Thus we frame definitions and formulate axioms and postulates and adopt units of measurement and evaluation, always careful not to offend against the law of identity. In this way the mind determines, to a large extent, appearances by expressing them in postulates determined *a priori*.

Again, we have learned that there is a high degree of utility in formulating premises from which we may "rediscover" laws identical with what we call empirical laws, because the premises serve for other and further conclusions having, as experience discloses, a probability of being identical with other as yet undiscovered empirical laws. Thus we are enabled to prophesy the great characteristic of science.

The writer's philosophy is a bit hard to classify according to traditional categories. He is something of a pragmatist, yet his work wants some of the implications of pragmatism. He denies a distinction between appearances and reality by affirming that appearances *are* reality. He insists that empirical laws have no meaning in the absolute sense, and he adopts the pragmatist criterion

of truth. "Cause" and the "nature of things" are devices to give the world the character that we desire it to have.

He presses the relativity of empirical laws but he is without the teleology that should accompany this viewpoint. This is particularly true in his treatment of the social sciences where the sociological jurist and the thorough-going pragmatist will sustain their chief disappointment. Purpose plays little part in the author's scheme and utility of social science in the realization of ends occupies no part of his theory. "Our ideas and our theories," he declares, "may be factors in the evolution of our universe. They do not determine it. It is the immense synthesis of all that is and all that has been that directs the march. Its end we do not know" (p. 150).

This position, however, does not necessarily follow from the propositions which the author set out to maintain. His principal idea is quite as consistent with a more creative evolution. It can never be pointed out too often that evolution, determinism and teleology are not necessarily at odds. A system may be both deterministic and teleological.

For the law, this book has great significance. It goes far toward demonstrating the proper function of logic. It shows that it can never be relied upon to insure the "truth" of new propositions, in the only sense in which that term has any meaning, *viz.*, satisfaction in helping us to adapt ourselves to the world of experience. It will not insure satisfactory results before the fact, but it does assist us to comprehend the world of experience after the fact, and it may assist us in anticipation.

It is this significance that Professor Oliphant has been quick to detect and point out in his admirable Introduction. It is seen that after all, the fundamental part of all science is the search for empirical laws. Here, in the words of the author, "the materials at our disposal to facilitate the quest are history, statistics and average prices of all sorts. Their study scientifically conducted, alone can lead to the discovery of new laws or to the verification of rational laws supposed to be true" (p. 156).

That this method must be followed by social science with increased diligence is becoming apparent. There are many competent scholars of the law who are thoroughly committed to the view that here lies the hope for greatest achievement, both in legal science and in jurisdiction science. The former has at its disposal the entire history and development of the common law and a substantial period of active legislation. The latter, the entire range of the social order, as we find it and, what is more important, as we should like to find it.

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CASES AND OTHER MATERIALS ON INTERNATIONAL LAW. By MANLEY O. HUDSON. St. Paul: WEST PUBLISHING COMPANY, 1929. Pp. xxxv, 1538. Index.

In spite of the recent publication of a collection of cases and readings by Professor Dickinson, there was certainly a great need for a well-organized and up-to-date case-book on international law, since this subject was one of the few in the legal field in which the teacher had little choice in availing himself of the materials suited to the needs of his own course. This need, which has been felt so deeply, has been remedied by the publication of Professor Hudson's case-book on international law.